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Attorneys for Defendant T-Mobile USA, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

| | | |
|---|---|------------------------------|
| DEAN BOONE, individually, and on |) | Civil No. 2:17-CV-00378 |
| Behalf of all Similarly Situated Persons, |) | |
| |) | [ORAL ARGUMENT REQUESTED |
| Plaintiff, |) | PURSUANT TO LOCAL RULE 78.1] |
| v. |) | |
| |) | |
| T-MOBILE USA, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

NOTICE OF MOTION TO DISMISS AMENDED COMPLAINT

TO: PLAINTIFF DEANE BOONE AND HIS ATTORNEY OF RECORD

PLEASE TAKE NOTICE that on July 17, 2017, or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Kevin McNulty, located at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, Defendant T-Mobile USA,

Inc. (“Defendant” or “T-Mobile”) will move this Court for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), dismissing Plaintiff Dean Boone’s Amended Class Action Complaint. This Motion is made on the following grounds:

1. Plaintiff lacks standing to assert his Fair Credit Reporting Act (FCRA) claims and his New Jersey Fair Credit Reporting Act (New Jersey FCRA) claim.
2. Plaintiff has not alleged facts sufficient to constitute a claim for relief against T-Mobile for violation of the FCRA or the New Jersey FCRA.

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Dismiss, T-Mobile will rely on the accompanying Memorandum of Law in Support. A Proposed Order is included with this Motion.

Respectfully submitted this 14th day of April, 2017.

/s/ Craig Carpenito

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